

### **REMARKS**

This responds to the Office Action mailed on January 24, 2007.

**Applicant notes that in the response filed November 17, 2006, Applicant had added claims 37-44 and cancelled claims 23-24 and 28-29, so that claims 1-22, 25-27, and 30-44 remained for examination (40 claims total). The Office Action of January 24, 2007 failed to address this list of claims.**

Claims 5, 9 and 16 are amended to independent form including all limitation of the claims from which they depended; as a result, claims **1-22, 25-27 and 30-44** are now pending in this application. This adds three independent claims—please charge Deposit Account 19-0743 the \$300 fee (large entity) and charge any other required fee or credit overpayment to Deposit Account 19-0743.

**The Examiner's Office Action mailed January 24, 2007 refers to the pending claims as 1-41, whereas in fact they are 1-22, 25-27 and 30-44, after entry of Applicant's Amendment filed on November 20, 2006.**

### **§102 Rejection of the Claims**

Claims 1-2, 6-8, 10-13, 17-18, 20-36 and 41 were rejected under 35 U.S.C. § 102(e) for anticipation by Kolichtchak (US 2003/0014667). Applicant respectfully traverses.

**Since Applicant cancelled claims 23-24 and 28-29 in Applicant's response filed November 17, 2006, Applicant is unsure of whether the Rejection is applicable to the present claims 21, 25, 27, and 34-36, which were amended in the same response. Applicant respectfully requests an examination of the presently pending claims or Examiner's affirmation (in a non-final Office Action) that the Rejection mailed January 24, 2007 applies to the present claims.**

Please again see Applicant's arguments filed in the Amendment and Response filed November 17, 2006 for Applicant's response to claims 1-2, 6-8, 10-13, 17-18, 20-22, 25-27, 30-36. Reconsideration and an early indication of allowance are respectfully requested.

**Please see the MPEP 2106 Requirements in interpreting means-plus-function claims.**

The Office Action failed to provide the required analysis showing equivalent structures, material, or acts described therein (for translating addresses for the data versus translating addresses for instructions) to perform the functions as recited in claim 32. Consequently, the Examiner has failed to set forth a proper *prima facie* case of anticipation under 35 U.S.C. § 112 paragraph 6. Additionally, the claim as amended provides further recitation not found in the cited reference. Thus, claim 32 overcame the Examiner's rejection under 35 U.S.C. § 102(e). Reconsideration and an early indication of allowance is respectfully requested.

Claims 33-36 depend from claim 32 and include the recitations of claim 32 by their dependency. Further regarding claim 33-36, please see Applicant's arguments filed November 17, 2006. Reconsideration and an early indication of allowance are respectfully requested.

§103 Rejection of the Claims

**A. Rejection:** Claims 3, 4, and 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolichtchak (US 2003/0014667).

**B. Response:** Please again see Applicant's arguments filed in the Amendment and Response filed November 17, 2006 for Applicant's response to claims 3-4 and 14-15.

Further, in the Amendment and Response filed November 17, 2006 Applicant challenged the Examiner's assertion that having dedicated vector TLBs and dedicated scalar TLBs and then combining such structures with Kolichtchak is obvious, and respectfully **requests, under MPEP 2144.03**, that the Examiner provide a reference explicitly showing separate vector TLBs and/or scalar TLBs, **and provide a motivation provided in the prior art for a combination of such a reference with Kolichtchak.** *Applicant also made this request in the prior two responses, and it was ignored.*

For all of the reasons set forth in the Amendment and Response filed November 17, 2006, claims 3, 4, 14 and 15 appear in condition for allowance. Reconsideration and an early indication of allowance are respectfully requested.

*Allowable Subject Matter*

Claims 37-40 have been allowed.

Claims 3-4, 5, 9, 14-16 and 19 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5, 9, and 16 are rewritten to independent form. The other claims depended from claims that appear allowable for the reasons recited above. Reconsideration and allowance is respectfully requested.

**RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (952) 278-3501 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ANDREW B. HASTINGS

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6977

Date 24 April 2007 By /Charles A. Lemaire/  
Charles A. Lemaire  
Reg. No. 36,198

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of April 2007.

Charles A. Lemaire  
Name

/Charles A. Lemaire/  
Signature